

REMARKS

Claims 1-86 are currently pending in the application. In an Office Action dated November 20, 2002 ("Office Action"), the Examiner rejected claims 1-6, 11-15, 64-68, and 73 under 35 U.S.C. § 102(e) as being anticipated by Messenger, U.S. Patent No. 5,276,680 ("Messenger") and rejected claims 7-10, 16-23, 69-72, and 74-86 as being made obvious by Messenger under 35 U.S.C. § 103(a). In response to the Office Action, Applicant's representative first wishes to thank the Examiner for the allowance of claims 24-63. Next, Applicant's representative has included an Amendment under 37 C.F.R. § 1.48(b) to bring the inventorship in accordance with the current claims. Finally, Applicant's representative has amended claims 1, 4, 7-8, 64, 67, and 69 to clearly distinguish the claimed invention from the cited reference, Messenger, as explained below.

Messenger concerns linking a handheld portable computer or other portable electronic device through a radio-frequency, packet-based, digital communications link to a controller linked to a network of computers. Messenger is concerned with a registration process that allows a mobile handheld device to seamlessly migrate from one controller to another, without interrupting the packet-transmission-and-reception services provided by the controller and networked computers to the handheld device. Note that Messenger specifically states that "[e]ach controller communicates with the portable device with packet transmission through the air, and requires registration of the portable device before offering packet transferring services. The registration process involves transmitting a packet from the portable unit requesting a response from controllers, transmitting a response packet from each controller receiving the request, selecting one of the responding controllers at the portable unit according to criteria that enhance data transfer, and transmitting from the portable unit a packet identifying the selected controller to complete registration." (Messenger, Abstract, lines 5-16) (emphasis added)

The currently claimed invention involves transmitting requests from a handheld device and receiving a response to the request over a telephone connection, rather than via digital, radio-frequency, packet-based communications. The currently claimed invention does not involve a registration process, and does not involve radio-frequency receiving controllers interconnected with a network of computers. In fact, the current claims, as

amended to use the term "telephone connection" rather than the term "telecommunications link," claim a method and system quite unrelated to the disclosure of Messenger. Messenger cannot serve as the basis of a 35 U.S.C. § 102 anticipation rejection, because Messenger explicitly states that the disclosed system and method uses only radio-frequency, packet-based communications through the air to controllers interconnect with networked computers, and requires a registration process, while the claimed invention involves request and response transmission between a hand-held device and a server over a telephone connection. For this reason, Applicant's representative believes that all of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,  
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